

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL RIOS,

Plaintiff,

v.

ORTIZ,

Defendant.

Case No. 1:23-cv-01595-HBK (PC)

ORDER DISCHARGING SHOW CAUSE
ORDER

(Doc. No. 34)

On November 17, 2025, the undersigned directed Defendant Ortiz and/or counsel for Defendant to show cause why the Court should not impose appropriate sanctions under Local Rule 110 for Defendant's failure to comply with this Court's Orders. (Doc. No. 34). On November 18, 2025, Attorney Sassano responded on behalf of Attorney Linden explaining Defendant and counsel's failure to comply with the Court's previous order. (Doc. No. 35). Specifically, Plaintiff failed to appear for his properly noticed September 8, 2025 deposition, but prior to defense counsel being able to move for a motion to compel, he was hospitalized.¹ The

¹ The Court notes that its October 23, 2025 Order mailed the same day to Plaintiff's address of record was returned as undeliverable on November 24, 2025. (*See* docket). The Court previously advised pro se Plaintiff that he must keep the Court and opposing parties informed of his correct current address. *See* E.D. Cal. Local Rule 182(f). If mail directed to a pro se plaintiff at the address of record is returned by the United States Postal Service as undeliverable, the order will not be re-served a second time absent a notice of change of address. If a pro se plaintiff's address is not updated within the required time of mail being returned as undeliverable, the case may be dismissed for failure to prosecute. *See* E.D. Cal. Local Rule 183(b).

1 Court is satisfied with Attorney Sassano's explanation and will discharge the Order to Show
2 Cause.

3 Attorney Sassano also "respectfully requests the deadlines in the Case Management and
4 Scheduling Order" be continued. (*Id.*, ¶ 12). Any requests for extensions to the deadlines in the
5 Case Management and Scheduling Order should be made by motion, include proposed extended
6 deadlines, and show good cause Fed. R. Civ. P. 16(b)(4).

7 Accordingly, it is **ORDERED**:

8 The November 17, 2025 Show Cause Order (Doc. No. 34) is discharged.

9
10 Dated: November 25, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE